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The bracketed headnotes are a regrettable feature of the work. This pernicious plan indulgently gives the answer to the problems, the independent solution of which is one of the most valuable advantages of the study of cases. Further; it results in large, dangerous generalizations of the law, some of which in the present volume are positively misleading. Thus, the headnote to the *Mogul Steamship Case* (p. 195) asserts that "the right of competition exists even when you conduct the competition by means so unusual as to render it 'unfair.'" Again (p. 631), "Your breach of your contract with one person may constitute a tort against another." Throughout the book, headnotes are tainted with the ensnaring word "malice," though in several cases the editor repairs the mischief by calling attention to the misleading use of the term (pp. 187, 308). Further examples could be needlessly adduced. The danger of these notes is the greater because of their attractiveness and their convenient form as a summary of the law. Despite these defects, however, the collection is significant, not merely as another indication of the progressive tendency in English legal education, but also as an effective rejoinder to the unmerited reproach that case-books are dull and uninteresting.

INTERNATIONAL CIVIL AND COMMERCIAL LAW, as Founded upon Theory, Legislation, and Practice. By F. Meili. Translated and supplemented with additions of American and English law, by Arthur F. Kuhn. New York: The Macmillan Company. 1905. pp. xxvii, 559. 8vo.

Growing appreciation of the practical importance of a knowledge of Conflict of Laws is one of the significant features in the development of modern legal instruction. Within the last decade the leading law schools of this country have undertaken to teach the subject to their students, and gradually it is being added to the curriculum of other schools. But in spite of this renewed interest in the topic on which Mr. Justice Story wrote one of his best known and most valuable works, very little has been done by legal writers in this country to give to the profession a useful, up-to-date treatise. Much more attention has been given to the subject by Continental jurists; and it is with the work of one of them that this notice has to deal.

The opportunity for fine reasoning which is offered by Conflict of Laws particularly appeals to jurists trained in the civil law. To them, however, law is a philosophy, not a science. Each jurist works out a theory which is logically sound, and which to his mind would solve the conflicts of law. But he disregards entirely, and without compunction, decisions of courts. In the treatise of a continental jurist one finds, not the law as the court makes it, but the law as the writer thinks it should be. Professor Meili's work is no exception to this rule. For that reason its utility to the American lawyers who desire to know foreign law is limited.

On the other hand, the book is of some academic value. The author has consulted, and refers to, treatises by the best known and most distinguished jurists of the several nations of Europe, and he also refers to the codes and law of most countries in which questions in this branch of jurisprudence have been considered. The chief limitation here, and a serious one, is that the codes and law of these several countries are not considered on each and every subject discussed, but the laws of some countries are referred to under one head, and the laws of totally different countries under the next head. In other words, the treatment is not complete. It would have been better to have limited the field of countries to be considered, and to have stated the laws of the countries selected on every point.

The work of translation has been well done. The book as it appears is readable and can be readily understood. Some sentences show, by their construction, their German origin; but they are not so numerous as might have been expected. The translator has added some English and American cases, intending "to state briefly and without discussion or argument, the law recognized in those jurisdictions, upon the principal points dealt with by the author."

Mr. Kuhn frankly says that they are in no sense intended as a full exposition of the law upon the topics treated. He has made a brave attempt, but, from the nature of things, it was impossible for him in that way to make a really valuable contribution. The leading cases on the topics treated are not in all instances given, while a number of the propositions of law are inaccurately or too broadly stated. This latter defect is due to form rather than to real error; but because of it the notes as they stand should be used with some caution. To those interested in the development of Conflict of Laws the book will still be recommended by the amount of learning and useful information gathered within its covers.

S. H. E. F.

LAW OF THE DOMESTIC RELATIONS, embracing Husband and Wife, Parent and Child, Guardian and Ward, Infancy, and Master and Servant. By James Schouler. Boston: Little, Brown, and Company. 1905. pp. xxxix, 421. 8vo.

To praise a law-book because it contains so much which is not law, is ordinarily a doubtful compliment to the author. When that confused subject usually described under the title "Domestic Relations" is under consideration, however, one is prepared to see every rule suspended or reversed. This branch of law our legislatures have so diverted from its original channel that practitioners of to-day are frequently in danger of losing sight of the sources from which it starts. Yet the original common law so controls and modifies the meaning of the various sweeping statutory changes, that any opinion based upon the statutes alone is likely to be most misleading. Accordingly, the writer of the elementary treatise under discussion, who must perforce cover but a small part of the law, has chosen wisely in confining himself to the common law rules bearing upon the legal position of husband and wife, parent and child, infants, and guardian and ward, abrogated in part though they may be, and in dismissing with brief mention the widely varying statutory changes which have taken place in the different jurisdictions.

As a statement of the underlying common law this work is in most respects to be commended. Its clearness of diction and logical development of thought are refreshing. It is precisely the kind of book to be read through with profit by a person unfamiliar with the subject, but with this caution, that the reader must not attribute to it infallibility. The author, unfortunately, has a slight tendency to follow too closely the current form of statement rather than to seek for the substance of the law. For instance, in treating of the liability of infants for necessities, he lays it down in the old way, that the infant is bound by his contract for necessities, and fails to impress the fact that what the infant is bound to do is not to fulfill the contract by paying the contract price, but rather to pay the fair value of the necessities. In the same way he speaks on page 65 of the liability of the husband for necessities properly furnished to the wife as founded on the wife's agency for the husband, and yet concedes on page 82 that the usual principles of agency are inadequate to explain the law. A similar fault is disclosed in his tendency to state moral duty in terms of legal obligation. A conspicuous instance is found in the chapter upon the duties of parents as to their children, in which the author enumerates as legal duties obligations of protection, maintenance, and education, which the common law rather commends as good morals than enforces by appropriate process. As to the chapter concerning void and voidable acts of an infant, so much stress is laid upon the former that the reviewer feels some doubt whether the inexperienced reader might not be misled into thinking the proportion of void acts to voidable far greater than it really is. An unusual omission in the work is that of the names of the cases in many citations. Not the least entertaining part is the homily on marriage, beginning on page 12, in which the present day tendency toward the fuller independence of woman is somewhat deprecated. Further enumeration of defects, however, might convey a false impression of what is in reality a very useful book for the elementary student seeking a general knowledge of that branch of the law of which it treats.

H. LE B. S.